

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

2005 MAY 27 P 2:54

MARK REAVES,

Plaintiff,

v.

MASSACHUSETTS ARMY NATIONAL
GUARD, RAYMOND VEZINA, ROBERT
JORDAN, THOMAS SELLARS, and
RICHARD NAGEL,

Defendants.

CIVIL ACTION NO. 04-30125-KPN

**DEFENDANTS MANG'S AND VEZINA'S THIRD MOTION TO ENLARGE
UNEXPIRED TIME PERIOD WITHIN WHICH TO SERVE
PLEADING(S) RESPONSIVE TO OR MOTION(S) CONCERNING
THE COMPLAINT**

Defendants Massachusetts Army National Guard ("MANG") and Raymond Vezina ("Vezina") – by and through the Attorney General of the Commonwealth of Massachusetts, their counsel – move, pursuant to FED. R. CIV. P. 6(b)(1), 12(a)(1), and 15(a), that the Court enlarge until June 27, 2005, the unexpired time period within which each of them may serve a pleading responsive to or a motion concerning the complaint.

As grounds for this motion, MANG and Vezina state the following: The current enlargement expires today, May 27, 2005. The defendants appear to have common defenses, some of which are threshold matters. However, defendants Thomas Sellars and Richard Nagel are still in the process of obtaining counsel, as set forth in their motion, filed today, to extend further the time to respond to the complaint (docket, paper no. 13). The Court has allowed Messrs. Sellars's and Nagel's

motion. The interests of judicial economy militate toward the Court having in front of it both sets of defendants' pleading(s) responsive to or motion(s) concerning the complaint before proceeding further.¹ The undersigned counsel needs some additional time within which to prepare on MANG's and Vezina's respective behalf pleading(s) responsive to or motion(s) concerning the complaint.

LR. 7.1(A)(2) CERTIFICATION

The undersigns certifies that he has been informed by AUSA Goodwin that she has spoken with Mr. Reaves and that he assents to extensions for both sets of defendants.

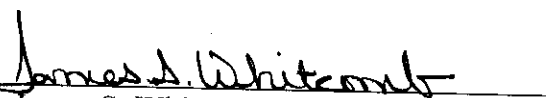
CONCLUSION

Wherefore, MANG and Vezina respectfully request that this Court allow this motion, enlarging until June 27, 2005, the unexpired time period within which each of them may serve a pleading responsive to or a motion concerning the complaint.

By their attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

By:


James S. Whitcomb
Assistant Attorney General
Western Massachusetts Division
1350 Main Street
Springfield, MA 01103-1629
(413) 784-1240, ext. 113 (telephone no.)
(413) 784-1244 (facsimile no.)
B.B.O. No. 557768

DATED: May 27, 2005.

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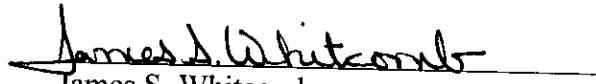
MANG and Vezina also note that plaintiff Mark Reaves filed this action on July 1, 2004, and thereafter sought enlargements of time, until May 1, 2005, to serve the defendants (docket, papers nos. 3-5).

CERTIFICATE OF SERVICE

I, James S. Whitcomb, Assistant Attorney General, hereby certify that on this 27th day of May, 2005, I served the foregoing *Defendants MANG's and Vezina's Third Motion to Enlarge Unexpired Time Period Within Which to Serve Pleading(s) Responsive to or Motion(s) Concerning the Complaint* by either having mailed, by first class mail, postage prepaid, or by having delivered – as indicated below – a true copy of the document to each of the following:

Mark Reaves, pro se
24 Ionia Street
Springfield, MA 01109
(Mailed)

Karen L. Goodwin, A.U.S.A.
1550 Main Street, Room 310
Springfield, MA 01103-1422
(Delivered)


James S. Whitcomb